

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-6 and 9-16 under 35 U.S.C. §102(b) as being anticipated by Joch et al. (U.S. Patent No. 7,227,901; hereinafter Joch) is respectfully traversed and should be withdrawn.

In contrast to Joch, the presently claimed invention (claim 1) provides a method for activating and deactivating parameter sets during decoding of a bitstream for display comprising the steps of (A) storing a first picture parameter information set associated with a first identification value and a second picture parameter information set associated with a second identification value in a computer readable storage medium, where the first and the second picture parameter information sets comprise infrequently changing picture parameter information, (B) tagging the first picture parameter information set as active in response to a reference to the first identification value in a bitstream and (C) changing the tag of the first picture parameter information set from active to inactive and tagging the second picture parameter information set as active in response to a reference to the second identification value in the bitstream.

Claims 10 and 11 include similar limitations.

The Federal Circuit has stated: "A claim is anticipated only if **each and every element** as set forth in the claim is found, either **expressly or inherently** described, in a single prior art reference."¹ "The elements must be **arranged as required by the claim**."² The Federal circuit has added that the anticipation determination is viewed from one of ordinary skill in the art: "**There must be no difference between the claimed invention and the reference disclosure**, as viewed by a person of ordinary skill in the field of the invention."³ As explained herein below, because Franklin does not disclose each and every element of the presently claimed invention, arranged as in the present claims, Franklin does not anticipate the claimed invention.

Joch does not disclose or suggest changing the tag of the first picture parameter information set from active to inactive and tagging the second picture parameter information set as active in response to a reference to the second identification value in the

¹ Manual of Patent Examining Procedure (M.P.E.P.), Eighth Edition, Rev. 6, September 2007, §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

² M.P.E.P. §2131 citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added).

³ *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991) (emphasis added).

bitstream, as presently claimed. Therefore, Joch does not disclose or suggest each and every element of the presently claimed invention, arranged as in the present claims, as required under MPEP §2131. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

Specifically, the Office Action appears to have misinterpreted the disclosure of Joch. In particular, the paragraph containing the portion of Joch cited in the Office Action (i.e., column 9, lines 55-58) states:

Thus, the filter offsets 39 are transmitted in the slice header 27, and therefore the offsets 39 can be different for each slice 32 within the picture 22. However, depending on the value of a flag in the picture parameter set 31 ("filter_parameters_flag"), the transmission of these offsets 39 in the slice header 27 might be disabled. In the case that offsets 39 are not transmitted, a default value of zero is used for both filter offsets 39 for example. Further, each picture parameter set 31 contains parameter values that pertain to the decoding of the pictures 22 for which the particular parameter set 31 is active (i.e. selected in the slice headers 27 of the picture 22). The parameter sets 31 also contain a reference to the sequence parameter sets 29, which are active for decoding of the pictures 22. The choice of sequence parameter sets 29 and picture parameter sets 31 can be chosen by the encoder 18 (see FIG. 1), or set at the time of system 10 setup for sequential operation of the encoder 18, decoder 20 pair (columns 9-10, lines 53-3 of Joch).

Assuming, *arguendo*, the element 19 of Joch corresponds to the

presently claimed first picture parameter information set and the element 31 of Joch corresponds to the presently claimed second picture parameter information set (as suggested in lines 8-10 of section 2, on page 2 of the Office Action and for which Applicant's representative does not necessarily agree), the cited portion of Joch does not disclose or suggest changing a tag of the element 19 from active to inactive and tagging the element 31 as active. Therefore, the cited portion of Joch does not disclose or suggest changing the tag of the first picture parameter information set from active to inactive and tagging the second picture parameter information set as active in response to a reference to the second identification value in the bitstream, as presently claimed.

In contrast to the position taken by the Office (on page 3, lines 14-22 of the Office Action), the value of the filter_parameters_flag in the picture parameter set 31 determines whether **transmission of deblocking filter offset parameters 39 is disabled or not**. The value of the filter_parameters_flag in the picture parameter set 31 has nothing to do with changing a tag of the first picture parameter information set from active to inactive and tagging the second picture parameter information set as active in response to a reference to the second identification value in the bitstream, as presently claimed. Joch is silent about deactivating either a sequence parameter set or a picture parameter set. In particular, a search of Joch for the terms "deactivate",

"deactivation", and "inactive" found no occurrences. Therefore, Joch does not disclose or suggest each and every element of the presently claimed invention, arranged as in the present claims, as required under MPEP §2131. As such, the rejection does not appear to be sustainable and should be withdrawn.

With respect to claims 5 and 15, assuming, *arguendo*, the picture parameter sets 31 are similar to the presently claimed picture parameter information set, Joch does not disclose or suggest either (i) tagging the second picture parameter information set as inactive and re-tagging the first picture parameter information set as active in response to a subsequent reference to the first identification value in the bitstream or (ii) a first circuit that is further configured to re-tag the first picture parameter information set as active and tag the second picture parameter information set as inactive in response to receiving a subsequent reference to the first identification value in the bitstream, as presently recited in claims 5 and 15, respectively. Joch appears to be silent regarding deactivation and re-activation of the picture parameter sets 31.

Furthermore, the Office's statement that Joch discloses "the deactivation and re-activation of the picture parameter information sets can be user initiated for decoding image data" (see page 4, lines 19-20 of the Office Action) does not appear to

be a proper interpretation of the text of Joch. Specifically, the portion of Joch relied upon by the Office states:

The choice of sequence parameter sets 29 and picture parameter sets 31 can be chosen by the encoder 18 (see FIG. 1), or set at the time of system 10 setup for sequential operation of the encoder 18, decoder 20 pair (columns 9-10, lines 66-3 of Joch).

Nowhere in the cited portion does Joch expressly or implicitly disclose deactivation and re-activation of the sequence parameter sets 29 or the picture parameter sets 31. Joch merely states the sets are chosen by the encoder 18 or during setup for sequential operation of the encoder 18, decoder 20 pair. Therefore, Joch does not disclose or suggest each and every element of the presently claimed invention, arranged as in the present claims, as required under MPEP §2131. As such, the rejection does not appear to be sustainable and should be withdrawn.

With respect to claims 6, 9 and 16, the same arguments as presented above for claims 5 and 15 apply.

Claims 2-6 and 9-16 depend, directly or indirectly, from either claim 1 or claim 11 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 7, 8 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Joch et al. (U.S. Patent No. 7,227,901; hereinafter Joch) in view of Yoo (U.S. Patent No. 6,999,512) is respectfully traversed and should be withdrawn.

Claims 7, 8 and 17-20 depend, directly or indirectly, from either claim 1 or claim 11 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.


Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 12-2252.

Respectfully submitted,

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Dated: December 19, 2007

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Docket No.: 03-0970 / 1496.00331